

Analysis of samples of the product by the Bureau of Chemistry of this department showed the following results:

	Sample No. 1.	Sample No. 2.	Sample No. 3.
	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>
Solids by evaporation.....	29.08	28.03	28.00
Fat by Roesse Gottlieb.....	6.05	5.85	5.81
Solids not fat.....	23.03	22.18	22.19
Fat in solids.....	20.80	20.87	20.73

Adulteration of the product was alleged in the information for the reason that a valuable constituent thereof, to wit, fat, was in part abstracted therefrom. Misbranding was alleged for the reason that the product was offered for sale under the distinctive name of another article, to wit, 10 per cent condensed whole milk—that is to say, milk containing 10 per cent fat—whereas, in truth and in fact, it was not 10 per cent condensed whole milk, and did not contain 10 per cent fat, but on the contrary contained only, to wit, 6 per cent of fat.

On May 7, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of \$10 and costs.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

2957. Adulteration and misbranding of mace. U. S. v. Ohio Spice & Extract Co. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 4731. I. S. No. 21328-d.)

On April 3, 1913, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Ohio Spice & Extract Co., a corporation, Toledo, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 4, 1911, from the State of Ohio into the State of Missouri, of a quantity of mace which was adulterated and misbranded. The product was labeled: "Guthrie's Best Mace. Guaranteed Pure Ground Especially for Guthrie's Mercantile Co., Bakers' and Confectioners' Supplies—Wholesale Flour—St. Joseph, Mo." Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Nonvolatile ether extract (per cent).....	40.04
Ash (per cent).....	4.11
Ash insoluble in HCl (per cent).....	0.26
Crude fiber (per cent).....	4.40
Hefelmann's test for Bombay mace.....	Positive.
Waage's test for Bombay mace.....	Positive.

Microscopic examination showed that the product contained a large amount of Bombay mace. Adulteration of the product was alleged in the information for the reason that a substance, to wit, Bombay or false mace had been mixed or packed with it so as to reduce and lower and injuriously affect its quality and strength, said substance having been substituted wholly or in part for pure, genuine mace, which the article purported to be. Misbranding of the product was alleged for the reason that the statement on the label thereof "Guthrie's Best Mace" was false and misleading, in that it conveyed the impression that the article was pure mace, whereas, in fact, it consisted in whole or in part of Bombay or false mace. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser into believing it was pure mace, whereas, in fact, it was Bombay or false mace.

On November 28, 1913, the defendant company entered a plea of nolo contendere to the information and the court imposed a fine of \$25 and costs.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

2958. Misbranding of rice. U. S. v. McFadden, Wiess-Kyle Rice Milling Co. Tried to a jury; verdict of guilty by direction of court. Fine, \$100 and costs. (F. & D. Nos. 4735, 4749. I. S. Nos. 18168-d, 12406-d.)

On February 12, 1913, the United States attorney for the eastern district of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against the McFaddin, Wiess-Kyle Rice Milling Co., a corporation, Beaumont, Tex., alleging shipment by said defendant, in violation of the Food and Drugs Act, on October 18, 1911, and March 21, 1912, from the State of Texas into the State of Arizona, of quantities of rice which was misbranded. The shipment of October 18, 1911, was labeled (on sacks), "Two Pounds McFaddin's Brand Honduras Fancy Head Rice Packed by McFaddin-Wiess-Kyle Rice Milling Co., Beaumont, Texas." (On back of sacks, in small type) "* * * This rice is finished by a coating of glucose and talc, which is easily removed by washing * * *."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results: Glucose, present (erythrodextrin and reducing sugar test, both positive); talc, present (magnesium, present; silica, present); average net weight, 3 bags, 1.95 pounds; average net weight was found by weighing each of the three bags and subtracting from each weight the tare of one bag.

The shipment of March 21, 1912, was labeled, "Two Pounds McFaddin's Rice Texas Greatest Mill Daily Capacity 2500 Barrels Packed by McFaddin-Wiess-Kyle Rice Milling Co., Incorporated, Beaumont, Texas." (In small type on back of bag) "* * * This rice is finished by a coating of glucose and talc, which is easily removed by washing * * *."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results: Average net weight of 8 bags, 1.930 pounds; glucose, present; talc, present; superficial moisture, 9.24 per cent; superficial moisture determined by heating whole grains at 100° C. for three hours.

Misbranding of each product was alleged in the information for the reason that each was labeled as set forth above, and the word "rice" so printed in the label was false and misleading because it created the impression that the product was pure rice, when, as a matter of fact, it was not such, but was rice coated with glucose and talc, the statement, "This rice is finished by a coating of glucose and talc," which appeared inconspicuously in small type on the back of the bag, not being sufficient to correct the false impression created by the statement "rice" so printed in large letters on the front of the bag, and each product was found misbranded in that it was labeled and branded so as to deceive and mislead the purchaser, being labeled "rice," when, as a matter of fact, it was not pure rice, but was rice coated with glucose and talc, the statement, "This rice is finished by a coating of glucose and talc," which appeared inconspicuously in small type on the back of the bag, not being sufficient to correct the false impression created by the word "rice" so printed in large letters upon the front of the bag. Misbranding of each product was alleged for the further reason that the statement "Two Pounds" borne on the label was false and misleading, because it created the impression that the sacks contained two pounds of rice, when, in as a matter of fact, they did not contain two pounds, and were short in weight. Misbranding was alleged for the further reason that the product was labeled and branded so as to mislead the purchaser, being labeled "Two Pounds," when, as a matter of fact, the product did not contain two pounds, but was short in weight and was further misbranded in that it was in package form and the contents were stated in terms of weight, but were not plainly and correctly stated on the outside of the packages.